

This report has been cleared for submission to the Board by the Senior Inspector Brian Meaney.
Signed Alecho Date 23/9/10

TO:	Each Director	FROM:	Michael Owens
CC:	Office File	DATE:	23 September 2010
SUBJECT : Request for oral hearing of objections on PD re: Bottlehill Landfill Facility – Reg. No. W0161-02			

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I have assessed the objection(s) to the proposed decision issued in relation to Bottlehill Landfill, (Reg. No. W0161-02). The closing date for receipt of objections was 01/09/10.

Two objections were received from the following:

- (i) Tom Howard and Fergus McCarthy on behalf of the Carrignavar Community Council
- (ii) Joe Noonan (of Solicitors Noonan Linehan Carroll Coffey) on behalf of Bottlehill Environmental Alliance.

The objections were received within the appropriate period. They also comply with the following sub-sections of Section 42(4) of the Waste Management Acts, 1996 to 2010, in that they:

- (a) were submitted in writing
- (b) provided name and address
- (c) subject matter of objection(s) submitted
- (d) grounds for objection(s) submitted
- (e) were accompanied by the appropriate fee.

One request for an oral hearing was made by Bottlehill Environmental Alliance. The request for an oral hearing is valid and the fee of €100 was submitted.

The EPA publication *Waste Management and IPPC Licensing – Aspects of Licensing Procedures: Objections and Oral Hearings* states that while there are no specific statutory criteria that govern the decision to hold an oral hearing, there are matters for consideration that could influence the decision of the EPA, including:

- (i) New issues not previously raised that are specific to the location or the development.
- (ii) The sensitivity of the location/local environment.
- (iii) Whether it is a matter of national or regional importance.
- (iv) The scale or complexity of the development.

- (v) Significant new information.

I have examined the objections received against the criteria above and I consider that an oral hearing of the objections is not required in this case for the following reasons:

- (i) New issues not previously raised that are specific to the location or the development.

Comment: The main issues of objection relate to matters that have all been discussed in significant detail at the licence application and oral hearing stages as well in the Inspectors Report for the reviewed licence. No major point raised in the objections remains unaddressed and consequently I do not think that any one of them now warrants consideration by way of an oral hearing. All other points raised in the objections will be assessed by Technical Committee and do not of themselves warrant an oral hearing

- (ii) The sensitivity of the location /local environment.

Comment: The objections make reference to the hydrological and hydrogeological regimes in the vicinity of the site. This matter and all other matters related to the sensitivity of the local environment have previously been considered by the Agency at the licence application and oral hearing stages and adequate protection measures have been set out in existing licence conditions. Consequently I do not think that this matter now warrants consideration by way of an oral hearing.

- (iii) Whether it is a matter of national or regional importance.

Comment: The principal and original subject matter of the licence review (viz. compliance with the Landfill Directive and progressing towards its biodegradable municipal waste diversion targets) is clearly a matter of national importance. However, it has been a matter of significant consultation and discourse since 2008 and has been adequately addressed in the licence application, oral hearing and review stages.

In addition, it is not considered that the principal subject matters of the objections are of national or regional importance being of significance mainly to the facility itself and for which adequate controls have been set out in the existing licence. Other than that no particular issue of regional or national importance is raised which has not been, or cannot be, dealt with in the normal course of assessment of the licence review and subsequent objections.

I do not think that the matter now warrant consideration by way of an oral hearing.

- (iv) The scale or complexity of the development.

Comment: The general scale or complexity of the Bottlehill Landfill was not considered in this review. The proposed removal of the requirement to accept baled waste only at the facility impacts neither on the scale nor on the complexity of the facility. Therefore this heading provides no grounds for consideration of an oral hearing.

(v) Significant new information.

Regarding the objections, and not to minimise the importance of the issues raised, there is no significant new information provided and therefore an oral hearing is not warranted under this heading.

Recommendation:

I have read the objections and the request for an oral hearing from the Bottlehill Environmental Alliance. The issues raised in the objections can, in my view, be fully considered and assessed by a Technical Committee. This does not infer that the objections will get less consideration than if dealt with by way of an oral hearing.

I do not therefore recommend that an oral hearing be held.

Signed: *Michael Owens*

Michael Owens

Inspector

Dated: 23/9/10

